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STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNANDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the forty-ninth session of the General Assembly, pursuant to Assembly resolution 47/30 of 25 November 1992.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the Secretary-General (A/49/255 and Corr.1 and Add.1);

(b) Note by the Secretary-General (A/49/566-S/1994/1198).

4. The Sixth Committee considered the item at its 6th, 7th and 39th meetings, on 5 and 6 October and 23 November 1994. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/49/SR.6, 7 and 39).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/49/L.19

5. At the 39th meeting, on 23 November 1994, the representative of Sweden on behalf of Algeria, Australia, Austria, Bangladesh, Belarus, Canada, Chile, Denmark, Egypt, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, the Netherlands, New Zealand, Norway, the Republic of Moldova, Romania, the Russian Federation, Sweden and Ukraine, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/49/L.19). Subsequently, Belgium, Hungary and Spain joined in sponsoring the draft resolution.

6. At the same meeting, the Committee adopted draft resolution A/C.6/49/L.19 without a vote (see para. 8).

7. The representative of Israel made a statement in explanation of position after the adoption of the draft resolution (see A/C.6/49/SR.39).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990 and 47/30 of 25 November 1992,

Having considered the report of the Secretary-General 1/ on the status of the Protocols 2/ Additional to the Geneva Conventions of 1949 3/ and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

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1/ A/49/255 and Add.1 and Corr.1.

2/ United Nations Treaty Series, vol. 1125, Nos. 17512 and 17513.

3/ Ibid., vol. 75, Nos. 970-973.

Noting with satisfaction that, pursuant to article 90 of Additional Protocol I, the International Fact-Finding Commission has become operational,

Noting the fact that annex I of Additional Protocol I has been revised,

Stressing the need for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and to disseminate knowledge of the two additional Protocols,

1. Appreciates the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two additional Protocols of 1977;

2. Notes, however, the fact that, in comparison with the Geneva Conventions, the number of States parties to the two additional Protocols is still limited;

3. Appeals to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

4. Calls upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

5. Takes note of the Final Declaration adopted at the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, 4/ reaffirming the necessity of preventive measures and of making the implementation of international humanitarian law more effective;

6. Requests the Secretary-General to submit to the General Assembly at its fifty-first session a report on the status of the additional Protocols based on information received from Member States;

7. Decides to include in the provisional agenda of its fifty-first session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

4/ A/48/742, annex.